



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/783,263

02/05/2001

Evan Stephen Crandall

105146

4864

7590

01/28/2005

S. H. Dworetsky

AT&T Corp.

One AT&T Way Rm# 2a-207

Bedminster, NJ 07921

EXAMINER

RYMAN, DANIEL J

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/783,263	Applicant(s) CRANDALL ET AL.	
	Examiner Daniel J. Ryman	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 5 and 20 are objected to because of the following informalities: due to amendments, claims 5 and 20 are incomplete sentences. For the purposes of prior art rejections, Examiner will disregard the amendments to claims 5 and 20. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipa et al. (USPN 6,061,722) in view of Baker (USPN 6,580,694).

5. Regarding claims 1, 4, 5, 8, 9, and 18-21, Lipa discloses a method and device for communicating between a first communication system (ref. 113: zone) and a second communication system (ref. 122: client) (Fig. 1), the method comprising the steps of and the device comprising means for: establishing a communication link between the first communication system and the second communication system (col. 8, line 25-col. 9, line 53); determining at least one amount of latency affecting communication between the first communication system and the second communication system (col. 8, line 25-col. 9, line 53);

Art Unit: 2665

comparing the determined amount of latency with a required maximum amount of latency ("Forget It") (col. 9, lines 57-61); and displaying the determined amount of latency (Fig. 7 and col. 8, lines 14-18).

Lipa does not expressly disclose, if the determined amount of latency is lower than the required maximum latency, compensating said at least one amount of latency by adding a delay to at least one communication signal between the first communication system and the second communication system. However, Lipa suggests that latency beyond a maximum latency will not sustain connections ("Forget it") (col. 9, lines 57-61). Baker teaches, in a communication system, compensating at least one amount of latency by adding a delay to at least one communication signal between the first communication system and the second communication system in order to establish an optimal latency (col. 1, line 27-col. 2, line 14 and col. 2, lines 38-48). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to compensate at least one amount of latency by adding a delay to at least one communication signal between the first communication system and the second communication system, if the determined amount of latency is lower than the required maximum latency, in order to establish an optimal latency.

6. Regarding claims 2, 6, and 10, referring to claims 1, 4, and 8, Lipa in view of Baker discloses that determining at least one amount of latency affecting communication between the first communication system and the second communication system comprises: sending a first signal from the first communication system to the second communication system, the first signal requiring an immediate response from the second communication system; and comparing a time at which the first signal is sent and a time at which the response is received by the first

Art Unit: 2665

communication system (Lipa: col. 7, lines 10-19; col. 8, lines 41-42; col. 9, line 12; and col. 9, lines 23-26).

7. Regarding claims 3, 7, and 11, referring to claims 1, 4, and 8, Lipa in view of Baker discloses that determining at least one amount of latency affecting communication between the first communication system and the second communication system comprises: sending a first signal from the first communication system to the second communication system, the first signal requiring a response from the second communication system, the response comprising information about a time at which the first signal is received by the second communication system and a time at which the response is sent by the second communication system, comparing the time at which the signal is sent by the first communication system and the time at which the response is received by the first communication system to determine a first difference (Lipa: col. 7, lines 10-19); comparing the time at which the first signal is received by the second communication system and the time at which the response is sent by the second communication system to determine a second difference (Lipa: col. 9, lines 7-11); and comparing the first and second differences to determine the at least one amount of latency (Lipa: col. 8, line 58-col. 9, line 26).

8. Regarding claims 12 and 22, Lipa discloses a method and device for communicating between a first communication system (ref. 105), a second communication system (ref. 113) and a third communication system (ref. 122), the method comprising the steps of and the device comprising means for: establishing a communication link between the first communication system and the third communication system (col. 8, line 35-col. 9, line 53); determining at least one amount of latency affecting communication between the first communication system and the

Art Unit: 2665

third communication system (col. 8, line 35-col. 9, line 53); establishing a communication link between the second communication system and the third communication system (col. 8, line 35-col. 9, line 53); determining at least one amount of latency affecting communication between the second communication system and the third communication system (col. 8, line 35-col. 9, line 53).

Lipa does not expressly disclose compensating for said at least one amount of latency by adding at least one delay to at least one of at least one communication signal between the first communication system and the third communication system and at least one communication signal between the second communication system and the third communication system. Baker teaches, in a communication system, compensating at least one amount of latency by adding a delay to at least one communication signal between the first communication system and the second communication system in order to establish an optimal latency (col. 1, line 27-col. 2, line 14 and col. 2, lines 38-48). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to compensate for said at least one amount of latency by adding at least one delay to at least one of at least one communication signal between the first communication system and the third communication system and at least one communication signal between the second communication system and the third communication system in order to establish an optimal latency.

9. Regarding claims 13 and 23, referring to claims 12 and 22, Lipa in view of Baker discloses comparing both the amount of latency affecting communication between the first and third communication systems and the amount of latency affecting communication between the

Art Unit: 2665

second and third communication system with a required maximum latency (Lipa: col. 9, lines 57-61).

10. Regarding claims 14 and 24, referring to claims 12 and 22, Lipa in view of Baker discloses compensating for a difference between the amount of latency affecting communication between the first and third communication systems and the amount of latency affecting communication between the second and third communication system (Baker: col. 1, line 27-col. 2, line 14 and col. 2, lines 38-48).

11. Regarding claims 15 and 25, referring to claims 12 and 22, Lipa in view of Baker discloses comparing the amount of latency affecting communication between the first and third communication systems and the amount of latency affecting communication between the second and third communication systems with a required maximum latency ("Forget It") (Lipa: col. 9, lines 57-61) and if each of the amount of latency affecting communication between the first and third communication systems and the amount of latency affecting communication between the second and third communication system is lower than the required amount of latency, compensating for the difference between the amount of latency affecting communication between the first and third communication systems and the amount of latency affecting communication between the second and third communication system (Lipa: col. 9, lines 57-61 and Baker: col. 1, line 27-col. 2, line 14 and col. 2, lines 38-48).

12. Regarding claim 16, referring to claim 12, Lipa in view of Baker discloses that determining at least one amount of latency affecting communication between either the first and the third communication systems or the second and third communication systems comprises: sending a first signal from one of the two communication systems to the other one of the two

Art Unit: 2665

communication systems, the first signal requiring an immediate response from the other one of the two communication systems; and comparing the time at which the first signal is sent by the one of the two communication systems and the time at which the response is received by the one of the two communication systems (Lipa: col. 7, lines 10-19; col. 8, lines 41-42; col. 9, line 12; and col. 9, lines 23-26).

13. Regarding claim 17, referring to claim 12, Lipa in view of Baker discloses that determining at least one amount of latency affecting communication between either the first and the third communication systems or the second and third communication systems comprises: sending a first signal from one of the two communication systems to the other one of the two communication systems, the first signal requiring a response from the other one of the two communication systems, the response comprising the time at which the first signal is received by the other one of the two communication system and the time at which the response is sent by the other one of the two communication system; comparing the time at which the first signal is sent and the time at which the response is received to determine a first difference (Lipa: col. 7, lines 10-19); comparing the time at which the first signal is received and the time at which the response is sent to determine a second difference (Lipa: col. 9, lines 7-11); and comparing the first and second differences (Lipa: col. 8, line 58-col. 9, line 26).

14. Regarding claim 26, referring to claim 22, Lipa in view of Baker discloses that for determining at least one amount of latency affecting communication between either the first and the third communication systems or the second and third communication systems: the third communication system sends a first signal to the other communication system, the first signal requiring an immediate response from the other communication system; the third communication

Art Unit: 2665

system receives the response; and the latency determination device compares the time at which the first signal is sent and the time at which the response is received (Lipa: col. 7, lines 10-19; col. 8, lines 41-42; col. 9, line 12; and col. 9, lines 23-26).

15. Regarding claim 27, referring to claim 22, Lipa in view of Baker discloses that for determining at least one amount of latency affecting communication between either the first and the third communication systems or the second and third communication systems: the third communication system sends a first signal to the other communication system, the first signal requiring a response from the other communication system (col. 8, line 58-col. 9, line 26); the third communication system receives the response (col. 8, line 58-col. 9, line 26); the latency determination device compares the time at which the first signal is sent and the time at which the response is received to determine a first difference (col. 8, line 58-col. 9, line 26); the latency determination device compares the time at which the first signal is received and the time at which the response is sent to determine a second difference (col. 9, lines 7-11); and the latency determination device compares the first and second differences (col. 8, line 58-col. 9, line 26).

Lipa in view of Baker does not expressly disclose that the response comprises the time at which the first signal is received by the other communication system and the time at which the response is sent by the other communication system. Rather Lipa in view of Baker discloses sending the difference of the time in which the signal was processed by the other communication system (col. 9, lines 7-11) where it is implicit that this is done in order to determine if the latency time is accurate or if the latency has been influenced by other factors such that a new latency determination is necessary. Examiner takes official notice that it is well known in the art to determine a latency by subtracting a transmit time from a receive time. Thus, it would have been

Art Unit: 2665

obvious to one of ordinary skill in the art at the time of the invention to have the response comprises the time at which the first signal is received by the other communication system and the time at which the response is sent by the other communication system in order to allow the communication system to determine the latency period in the other communication system.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 7:00-4:30 with every other Friday off.

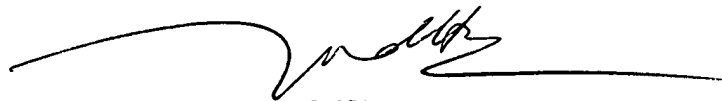
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2665

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel J. Ryman
Examiner
Art Unit 2665

DJR



HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600